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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91125615
Party	Plaintiff UNIVERSITY OF SOUTHERN CALIFORNIA
Correspondence Address	SCOTT A. EDELMAN GIBSON DUNN & CRUTCHER, LLP 1801 CALIFORNIA STREET, SUITE 4200 DENVER, CO 80202 sedelman@gibsondunn.com; arobertsonbora@gibsondunn.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Michael S. Adler, Esq.
Filer's e-mail	pto-cc@gibsondunn.com, madler@gibsondunn.com
Signature	/michael adler/
Date	01/10/2006
Attachments	NOR 14.pdf (15 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNIVERSITY OF SOUTHERN
CALIFORNIA,

Opposer,

v.

UNIVERSITY OF SOUTH CAROLINA,

Applicant.

Opposition No. 91125615

Serial No. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: May 18, 1999

**OPPOSER'S NOTICE OF RELIANCE NO. 14 UNDER 37 C.F.R. § 2.120(j)
OFFERING INTO EVIDENCE APPLICANT'S ANSWER TO
REQUEST FOR ADMISSION**

Pursuant to 37 C.F.R. § 2.120(j) and TBMP § 704.10, Opposer, the University of Southern California ("Opposer") submits this Notice of Reliance on the following admission by Applicant, the University of South Carolina ("Applicant") to a Request for Admission propounded by Opposer:

REQUEST FOR ADMISSION NO. 3: Admit that Applicant was aware of Opposer's Mark when Applicant commenced use of Applicant's Mark.

RESPONSE: Admitted.

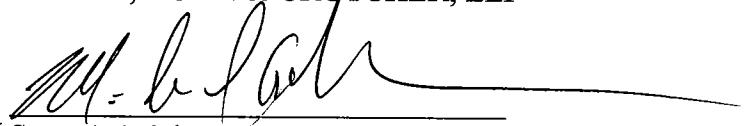
In accordance with 37 C.F.R. § 2.120(j) and TBMP § 704.10, an admission to a request for admission may be offered in evidence and made of record in this case by filing a copy of the request for admission (and any exhibit thereto) and the admission, together with a notice of

reliance. Attached as Opposer's Exhibit 250 is a true and correct copy of the relevant excerpt from Opposer's First Set of Requests for Admissions pertaining to Request for Admission No. 3, served on or about August 2, 2004. Attached hereto as Exhibit 251 is a true and correct copy of the relevant excerpt from Applicant's Responses to Opposer's First Set of Requests for Admissions pertaining to Applicant's response to Request for Admission No. 3, served on or about October 11, 2004. Accordingly, the requirements of 37 C.F.R. § 2.120(j) and TBMP § 704.10 are satisfied.

Dated: January 9, 2006

Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP

A handwritten signature in dark ink, appearing to read "Scott A. Edelman", is written over a horizontal line.

Scott A. Edelman

Michael S. Adler

2029 Century Park East

Los Angeles, CA 90067-3026

Telephone: (213) 229-7919

Attorneys for Opposer

University of Southern California

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNIVERSITY OF SOUTHERN
CALIFORNIA,

Opposer,

v.

UNIVERSITY OF SOUTH CAROLINA,

Applicant.

Opposition No. 125,615

Serial No. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: May 18, 1999

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Pursuant to 37 CFR 2.120 of the *Trademark Rules of Practice* and Rule 34 of the *Federal Rules of Civil Procedure*, Opposer the University of Southern California (hereafter "Opposer") hereby propounds the following requests for admissions to Applicant the University of South Carolina (hereafter "Applicant") to be answered separately and fully in writing under oath within thirty 30 days after service hereof.

These requests for admissions seek answers from Applicant that are complete and fully responsive as of the date the answers are executed, and which reflect or embody all relevant information known to Applicant as of that date. Should Applicant later learn that any answer was incorrect or incomplete when made, or though correct or complete when made is no longer true, the answer shall be timely amended or supplemented as required by Rule 26 of the Federal Rules of Civil Procedure.

Should a request for admission not specifically request a particular fact or facts, but where such fact or facts are necessary to make the answer to the request comprehensible or not misleading, Applicant is requested to include such fact or facts as part of its answer.

DEFINITIONS AND INSTRUCTIONS

Unless conclusively negated by the context of the particular individual request for admission, the following definitions are to be considered as applicable to all requests for admissions:

1. As used herein, "Applicant," "you," and "your" means and includes Applicant the University of South Carolina and its parents, subsidiaries, operating units, affiliates, predecessors, successors, licensees, related companies or entities, employees, agents and representatives.
2. As used herein, "Opposer" means and includes Opposer the University of Southern California and its parents, subsidiaries, operating units, affiliates, predecessors, successors, licensees, franchisees, related companies or entities, employees, agents and representatives thereof.
3. As used herein, the term "Trademark" or "Mark" shall mean any words or symbols used by either party to identify the source of their respective products or their services or their respective corporate identities.
4. As used herein, the term "Applicant's Mark" shall mean the mark "SC" (Stylized), which is the subject of Application Serial No. 75/358031.
5. As used herein, the term "Opposer's Mark" shall mean the word mark SC, which is the subject of Registration No. 1,844,953 (attached to Opposer's Amended Notice of Opposition as Exhibit B), and any stylization of that mark including but not limited to the SC

Interlock, which is the subject of Registration No. 2,683,137 (attached to Opposer's Amended Notice of Opposition as Exhibit C), and the Baseball Interlock (attached to Opposer's Amended Notice of Opposition as Exhibit A).

6. As used herein, the term "Applicant's Products" means any and all goods and/or services sold, offered for sale, contemplated being sold or offered of sale, or promoted under the Applicant's Mark by Applicant.

7. As used herein, the term "Opposer's Products" means any and all goods and/or services sold, offered for sale, contemplated being sold or offered of sale, or promoted under Opposer's Mark by Opposer.

8. As used herein, the term "communications" or any variant thereof, means the passage of information orally or in writing by any means whatsoever including, but not limited to, in person, by facsimile transmission, computer link, telephone, telegraphic, voice mail, electronic mail, correspondence or face-to-face meeting.

9. As used herein the term "document(s)" shall include all physical forms of written records, photographs, negatives, communications, cards, transcripts, minutes, telegrams, cables, telexes, tapes, recordings, files, memoranda, notes, drafts, photocopies, diaries, appointment records, affidavits, statements, memoranda, summaries, evaluations, valuations, audits, verifications, inventories, appraisals, reports, studies, other analyses, books or records of accounts, contracts, other agreements, powers of attorney, endorsements, account statements, receipts, safe deposit records, invoices, telephone records and statements, tax records, notices, tapes, work papers, minutes of meetings, agenda, interoffice or intraoffice communications, notebooks, telephone message slips, logos, appointment books, appointment calendars, anything upon which handwriting, printing, typing, computer printing, photostatic copies, magnetic or

electronic impulse or other form of communication recorded or reproduced, or any other tangible thing that constitutes or contains material within the scope of discovery permitted by the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

10. As used herein, the term "person" shall refer to natural persons, groups of natural persons acting as individuals, groups of natural persons acting in a collegial capacity (e.g. as a committee, board of directors, etc.), corporations, partnerships, joint ventures and any other incorporated or unincorporated business or social entity.

11. The singular number and masculine gender, as used herein, shall be deemed the plural, the feminine and the neuter as may be appropriate.

12. The terms "and" and "or" shall be construed conjunctively or disjunctively as necessary within the scope of these requests to include all information which might otherwise be excluded.

13. Whenever a request for admission calls for the identification of a document, the identification should include a brief description sufficient to support a request for production of documents pursuant to Rule 34 of the Federal Rules of Civil Procedure, including the date, authors, recipient(s), type of document, title or subject matter and its present or last-known location and custodian. For each document Applicant contends is privileged or otherwise excludable from discovery, Applicant shall provide a statement as to the basis for such claim of privilege or other grounds for exclusion, and generally describe the subject matter which is withheld. For each responsive document which is lost, Applicant shall identify the date the lost was first discovered, the person(s) who first discovered the loss, and the person(s) most knowledgeable about the contents of such lost documents.

14. Whenever a request for admission calls for the identification of a person, the identification should include the full name and present or last known business and home address of all such persons, and if the person is a natural person, the identification should also include his or her most recent known employer, including the name and address of such employer.

Whenever the person identified is a business entity or firm state: (a) the full name of such business, entity or firm; and (b) the address of its principal place of business.

15. Each request for admission listed herein shall be construed to include any supplemental information, knowledge, or data responsive to these requests for admissions which is later discovered by Applicant except to the extent such information, knowledge, or data is obtained by discovery on the public record.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that Opposer's Mark and Applicant's Mark travel through many of the same channels of trade.

REQUEST FOR ADMISSION NO. 2:

Admit that Applicant was aware of Opposer's "SC" word mark registration (Registration No. 1,844,953) at the time it filed its application to register "SC" (Stylized) (Serial No. 75/358031).

REQUEST FOR ADMISSION NO. 3:

Admit that Applicant was aware of Opposer's Mark when Applicant commenced use of Applicant's Mark.

Opposition No. 125,615

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS** was placed in the United States mail, first class, postage pre-paid, this 2nd day of August, 2004, addressed to the following:

John C. McElwaine
Nelson Mullins Riley & Scarborough, L.L.P.
Liberty Building, Suite 600
Charleston, South Carolina 29401

Attorneys for Applicant University of South Carolina


Jean A. Burns

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RECEIVED
OCT 19 2004
PETER F. WEINBERG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNIVERSITY OF SOUTHERN
CALIFORNIA,

Opposer,

v.

UNIVERSITY OF SOUTH CAROLINA,

Applicant.

Opposition No. 125,615

Serial No. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: May 18, 1999

**APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR
ADMISSIONS**

REQUEST FOR ADMISSION NO. 1:

Admit that Opposer's Mark and Applicant's Mark travel through many of the same channels of trade.

RESPONSE

Denied. Opposer's Mark travels through "University Authorized channels of trade." Applicant's goods do not travel through channels of trade which have been authorized by the University of Southern California.

REQUEST FOR ADMISSION NO. 2:

Admit that Applicant was aware of Opposer's "SC" word mark registration (Registration No. 1,844,953) at the time it filed its application to register "SC" (Stylized) (Serial No. 75/358031).

RESPONSE

10/11/04

Denied.

REQUEST FOR ADMISSION NO. 3:

Admit that Applicant was aware of Opposer's Mark when Applicant commenced use of Applicant's Mark.

RESPONSE

Admitted.

REQUEST FOR ADMISSION NO. 4:

Admit that Applicant uses or intends to use the "SC" mark in styles that depart from the stylization depicted in Applicant's Mark.

RESPONSE

Applicant admits that others, including licensees of Applicant, may have used a different stylization of the letters "SC". The remaining request is denied because at this point in time, Applicant cannot conclusively state which, if any, styles it will utilize in the future.

REQUEST FOR ADMISSION NO. 5:

Admit that Applicant does not presently use Applicant's Mark *in commerce* on baseball uniforms.

RESPONSE

Denied.

REQUEST FOR ADMISSION NO. 6:

Admit that Applicant has at no time in the past used Applicant's Mark *in commerce* on baseball uniforms.

RESPONSE

Denied.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: John C. McElwaine
John C. McElwaine
Matthew D. Patterson
Liberty Building, Suite 600
151 Meeting Street
Charleston, SC 29401
Tel. (843) 853-5200
Fax (843) 720-4324
e-mail: jcm@nmrs.com

Attorneys for the University of South Carolina

Charleston, South Carolina

10/11, 2004

CERTIFICATE OF SERVICE

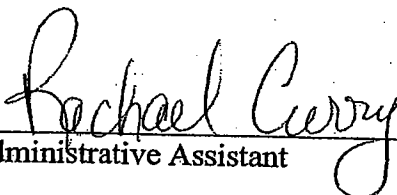
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., attorneys for Applicant do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Postal Service First Class Mail, with proper postage thereon, to the following address(es):

Pleadings:

APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Counsel Served:

Peter F. Weinberg
Gibson, Dunn & Crutcher LLP
1801 California Street, Suite 4100
Denver, CO 80202


Administrative Assistant

October 11, 2004

Opposition No. 91125615

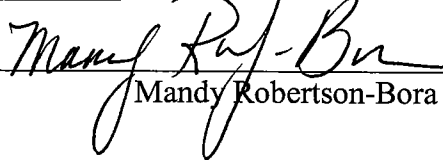
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S NOTICE OF RELIANCE NO. 14 UNDER 37 C.F.R. § 2.120(j) OFFERING INTO EVIDENCE APPLICANT'S ANSWER TO REQUEST FOR ADMISSION** is being placed in the United States mail, first class, postage pre-paid, on January __, 2006, addressed to the following:

John C. McElwaine
Liberty Center, Suite 600
151 Meeting Street
Charleston, SC
29401-2239

Attorneys for Applicant University of South Carolina

A copy is being sent by e-mail to JCM@nmrs.com on the same date.


Mandy Robertson-Bora